


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELIOT I. BERNSTEIN, et al.,
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:
Plaintiffs, : 07 Civ. 11196 (SAS)
:
- against - : **NOTICE OF**
:
APPELLATE DIVISION, FIRST DEPARTMENT : **APPEARANCE**
DEPARTMENTAL DISCIPLINARY COMMITTEE, et al., :
:
Defendants. :
:
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PLEASE TAKE NOTICE that the undersigned hereby appears as counsel for
defendants Foley & Lardner LLP, Steven C. Becker, Douglas A. Boehm, William J. Dick and
Michael W. Grebe, and requests hereinafter to be served with all papers.

Dated: New York, New York
May 2, 2008

FRIEDMAN KAPLAN SEILER &
ADELMAN LLP

By: 
Kent K. Anker
Lili Zandpour
1633 Broadway
New York, NY 10019-6708
(212) 833-1100

*Attorneys for defendants Foley & Lardner
LLP, Steven C. Becker, Douglas A. Boehm,
William J. Dick and Michael W. Grebe*

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DEPARTMENTAL DISCIPLINARY COMMITTEE,
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: **STATEMENT**
: **PURSUANT TO FED. R.**
: **CIV. P. 7.1**
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Pursuant to Federal Rule of Civil Procedure 7.1, defendant Foley &
Lardner LLP states that it has no parent corporation and that no publicly held corporation
owns 10% or more of its stock.

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**DECLARATION OF KENT K. ANKER IN
RESPONSE TO PLAINTIFFS' MOTION FOR
PRO BONO COUNSEL**

Kent K. Anker, declares under penalty of perjury as follows:

1. I am a member of the bar of the State of New York and of this Court and a member of the firm Friedman Kaplan Seiler & Adelman LLP, counsel for defendants Foley & Lardner LLP ("Foley"), Steven C. Becker, Douglas A. Boehm, William J. Dick, and Michael W. Grebe (collectively, the "Foley Defendants"). I make this declaration in response to plaintiffs' Motion for Pro Bono Counsel, dated April 24, 2008.

2. The Foley Defendants take no position as to whether or not plaintiffs should be provided with pro bono counsel. I am submitting this declaration in order to respond to false accusations in plaintiffs' motion concerning me and my clients. Specifically, plaintiffs have falsely accused me of "attempting to misdirect this Court"

and of making a "slight misrepresentation" that "calls into question [my] ability to represent [my] clients without bias and in truth to this Court."

3. As I previously stated to this Court in my letter dated March 28, 2008, Foley is not representing itself or its current and former employees and has not appeared in this matter. Moreover, Foley has never represented itself or its current and former employees in this matter. As we believe the Court will readily recognize, plaintiffs misunderstand the nature of attorney representation. Plaintiffs appear to believe that because another attorney representing a different party in this action "cc'd" certain Foley lawyers on its letters to this Court, that this somehow means, as a matter of law, that those "cc'd" Foley lawyers appeared in this action and suggests that Foley is representing itself. In fact, as we have explained to plaintiffs (and previously informed the Court), Foley chose not to represent itself or represent its current or former employees in this action.

4. In this regard, we have advised plaintiffs to stop communicating with Foley directly, and we have further advised plaintiffs that if plaintiffs persist in doing so, we will make the necessary application to this Court directing plaintiffs to desist from doing so, and to award any other appropriate relief.

Dated: New York, NY
May 2, 2008


Kent K. Anker